

DUNCAN MILLER

IBLA 73-352

Decided July 11, 1973

Appeal from decision of California State Office, Bureau of Land Management, requiring consent to stipulations for oil and gas lease offer R 4850.

Affirmed. Protest dismissed.

Oil and Gas Leases: Generally

An applicant for an oil and gas lease is properly required to accept special stipulations imposed by the Bureau of Land Management where the stipulations are consistent with the lease terms, regulations, and departmental policies, and where the requirements of those stipulations are not unreasonable.

APPEARANCES: Duncan Miller, pro se.

OPINION BY MR. FRISHBERG

As a condition prerequisite to issuing an oil and gas lease, the California State Office, Bureau of Land Management, required appellant to execute "surface disturbance stipulations". With the return of the signed stipulations, Miller "appealed". He asserted "that he should not have to carry the burden of any expenses incurred because of the stipulations, but that he should be given credit for any such expenditures."

Appellant's consent to the stipulations, in effect, was made under protest. BLM failed to consider the protest. Although a lease should have issued it forwarded the case file to this office as an appeal.

The stipulations, which were executed by appellant, essentially require that should any proposed operations be violative of section 2(q), the lessee would inform BLM in advance in order to

reduce the damage and eliminate any possible liability. This is not an unreasonable, arbitrary, or capricious requirement. Quantex Corporation, 78 I.D. 317 (1970). Furthermore, compliance with the law, regulations, stipulations, and conditions, including those pertaining to environmental protection and restoration, is an essential ingredient of the terms of an oil and gas lease, and there is no legal or regulatory basis for the Government carrying or crediting a lessee for the expense therefor. The burden, including its financial aspects, of complying with environmental protection provisions is the sole responsibility of the lessee. Appellant was previously informed to this effect. Duncan Miller, 11 IBLA 14, 80 I.D. 322 (1973); 11 IBLA 1 (1973); 10 IBLA 133 (1973).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision below is affirmed and the protest is dismissed.

Newton Frishberg, Chairman

We concur:

Douglas E. Henriques, Member

Frederick Fishman, Member

